

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27061 of 2018

Arising Out of PS. Case No.-496 Year-2017 Thana- NAUTAN District- West Champaran

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1. Gulshanaur Mian @ Gulshanaur @ Gulshanaurwar,
 2. Amir Miya @ Amir Mian

Both are Sons of Idan Mian, resident of village- Balua, Malahi Tola, P.S.- Nautan, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Adv.

For the Opposite Party/s : Mr. A.P.P.

Mr. Abhishek Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 07-05-2018

Heard Sri Akhileshwar Kumar Shrivastava, learned counsel for the petitioners, learned Addl. Public Prosecutor as well as Sri Abhishek Kumar, learned counsel for the informant.

Two petitioners, who are in custody only since 29.11.2017 in Nautan P.S. Case No.496 of 2017 registered for the offence under Sections 302, 201 and 120(B) of the Indian Penal Code, have prayed for grant of bail.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that from petitioners side also, a case was lodged vide Complaint Case No. 2198 of 2017, which has been referred to the police for registering a case and investigating the same under Section 156(3) of the Code of Criminal Procedure and, as such, Nautan P.S. Case No.46 of 2018 has been



registered for the offence under Sections 363, 302, 201, 120(B) of the Indian Penal Code. Learned counsel for the petitioners submits that accused persons conspiring with each other had killed the daughter of the petitioner no.1 and petitioner no.2 is own brother of petitioner no.1. He further submits that even during investigation, two witnesses, who were examined, had not claimed to identify the petitioners at the place of occurrence. On the aforesaid ground, a prayer has been made for granting bail to the petitioners.

However, on perusal of the F.I.R., it is evident that minor son of the informant had fallen love with the daughter of petitioner no.1. Subsequently, the son of the informant was called and, thereafter, his body was disposed of after killing him. In this case, daughter of petitioner no.1 was also brutally assaulted and she succumbed to the injury.

Considering the nature of accusation and allegation of assault, I am not inclined to grant bail to the petitioners.

The petition stands dismissed.

(Rakesh Kumar, J)

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